

FRIDAY, MAY 1, 1992

NINETY-FIRST LEGISLATIVE DAY

The House met at 10:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rep. Phillip Pinion, who then led the House in the Pledge of Allegiance to the Flag.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Huskey.

Representative Love; due to illness.

Representative Garrett; due to illness.

Representative Robinson (Washington); prior commitment in district.

ROLL CALL

The roll call was taken with the following results:

Present 86

Representatives present were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 86.

CONSENT CALENDAR

Senate Joint Resolution No. 0509 -- Memorials, Recognition and Thanks -- Office of Legal Services, Office of Legislative Services and Office of Legislative Administration.

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Senate Joint Resolution No. 0510 -- Memorials, Public Service -- Fred Lockett.

Senate Joint Resolution No. 0511 -- Memorials, Public Service -- Bill and Ima Justis.

Senate Joint Resolution No. 0512 -- Memorials, Recognition and Thanks -- Robert T. Dennis and Robert E. Henry.

House Joint Resolution No. 0740 -- Memorials, Personal Achievement -- 1992 valedictorians and salutatorians of Carroll County high schools.

House Bill No. 2880 -- Jonesborough -- Redefines powers of board of aldermen; authorizes board to appoint city administrator and set duties. Amends Chapter 135, Acts of 1903, as amended.

House Bill No. 2881 -- Gibson County -- Ratifies, confirms and validates actions of Bradford Special School District. Amends Chapter 153, Private Acts 1917, as amended. Repeals Chapter 467, Private Acts of 1925, as amended.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	86
Noes.	1
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wix, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Rinks -- 1.

Representatives present and not voting were: Jones R (Shelby) -- 1.

A motion to reconsider was tabled.

CHAIR TO SPEAKER PRO TEM

Mr. Speaker Naifeh relinquished the Chair to Rep. Holcomb, as Speaker pro tem.

REGULAR CALENDAR

***Senate Joint Resolution No. 0331** -- Constitutional Amendments -- Proposes amendment to Art. XI, Sec. 5, relative to income taxation and lotteries.

Further consideration of Senate Joint Resolution No. 331, previously considered on April 20, at which time it passed on First Reading; April 22, at which time it passed on Second Reading, and April 23, 28 and 30, 1992, at which time it was reset to the Calendar for May 1, 1992.

Rep. Chumney moved that **Senate Joint Resolution No. 331** be passed on Third Reading, pursuant to the Constitution.

Rep. Givens moved the previous question, which motion failed by the following vote:

Ayes.	44
Noes.	41

Representatives voting aye were: Anderson, Arriola, Bell, Bittle, Bivens, Clark, Coffey, Cole, Collier, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Ferguson, Givens, Gunnels, Hargrove, Hassell, Hill, Hillis, Holt, Johnson, Joyce, McAfee, McDaniel, McKee, Moore, Napier, Phillips, Rhinehart, Ridgeway, Rigsby, Rinks, Severance, Sipes, Tindell, Walley, West, Whitson, Windle, Winningham, Mr. Speaker Naifeh -- 44.

Representatives voting no were: Allen, Armstrong, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Copeland, Crain, Dixon, Duer, Fowlkes, Haley, Halteman, Haun, Herron, Hubbard, Jackson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Knight, Liles, Meyer, Niceley, Nuber, Odom, Peroulas Draper, Robinson (Davidson), Robinson (Hamilton), Shirley, Stamps, Tullios, Turner (Shelby), Venable, Williams (Shelby), Williams (Union), Wood -- 41.

Thereupon, Rep. Chumney moved that **Senate Joint Resolution No. 331** be passed on Third Reading.

Rep. McAfee moved the previous question, which motion prevailed.

Thereupon, Rep. Chumney moved that **Senate Joint Resolution No. 331** be passed on Third Reading, which motion failed by the following vote:

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Ayes.	24
Noes.	68
Present and not voting.	2

Representatives voting aye were: Armstrong, Arriola, Bivens, Chumney, Clark, DeBerry, Dixon, Ferguson, Fowlkes, Halteman, Jones R (Shelby), Jones U (Shelby), Kernell, King, Odom, Pruitt, Purcell, Robinson (Hamilton), Stamps, Turner (Shelby), West, Williams (Shelby), Winningham, Mr. Speaker Naifeh -- 24.

Representatives voting no were: Allen, Anderson, Bell, Bittle, Bragg, Byrd, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Givens, Gunnels, Haley, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Jackson, Johnson, Joyce, Kent, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Peroulas Draper, Phillips, Pinion, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Venable, Walley, Whitson, Williams (Union), Windle, Wix, Wood -- 68.

Representatives present and not voting were: Buck, Napier -- 2.

Having received a Constitutional majority in the negative, the Speaker entertained a motion to reject. Hearing none, Senate Joint Resolution No. 331 was referred to the Calendar and Rules Committee.

**MESSAGE FROM THE SENATE
May 1, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill No. 2519.

The Senate refused to recede from its action in adopting Amendment(s) No(s). 14, 15, 31, 32, 33 and 2.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

Rep. Purcell moved to refuse to recede from nonconcurring in Senate Amendments Nos. 14, 15, 31, 32, 33 and 2 to **House Bill No. 2519**, which motion prevailed.

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**CONFERENCE COMMITTEE APPOINTED
ON HOUSE BILL NO. 2519/SENATE BILL NO. 2526**

Pursuant to **Rule No. 73**, Representative Purcell moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 2519, which motion prevailed.

House Bill No. 2519 -- Workers' Compensation -- Authorizes commissioner of labor to appoint advisory committee. Amends TCA, Title 4, Ch. 29; Title 50, Ch. 6.

The Speaker appointed Representatives Purcell, Chiles, Head, Anderson and Clark as the House members of the Conference Committee on House Bill No. 2519.

**MESSAGE FROM THE SENATE
May 1, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2085; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2085 -- Districting, Congressional -- Redistricts congressional districts. Amends TCA, Title 2, Ch. 16.

Rep. Purcell moved that the House nonconcur in Senate Amendment(s) No(s). 1, 3, 4, 5, 9, 10, 11 and 12 to **House Bill No. 2085**, which motion prevailed.

BILL RETURN REQUESTED

Pursuant to **Rule No. 54**, Rep. Head moved that the Clerk request the return of Senate Bill No. 1892 from the Senate, which motion prevailed.

**MESSAGE FROM THE SENATE
May 1, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill No. 2519.

The Senate appointed a Conference Committee composed of Senators Cooper, Burks, Patten and Greer to confer with a like committee from

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the House to resolve the differences of the two Houses on House Bill No. 2519.

CLYDE W. McCULLOUGH, JR.
Chief Clerk.

RECESS MOTION

Rep. Robinson (Davidson) moved that the House stand in recess to allow Richard "Pek" Gunn, Tennessee Poet Laureate, to approach the well, which motion prevailed.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

On motion of Rep. Purcell, the roll call was dispensed with.

**MESSAGE FROM THE SENATE
May 1, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill No. 2085.

The Senate refused to recede from its action in adopting Amendments Nos. 3, 4, 9, 10, 1, 11, 5 and 12.

CLYDE W. McCULLOUGH, JR.
Chief Clerk.

MESSAGE CALENDAR, CONTINUED

HOUSE ACTION ON SENATE MESSAGE

Rep. Purcell moved to refuse to recede from nonconcurring in Senate Amendments Nos. 1, 3, 4, 5, 9, 10, 11 and 12 to **House Bill No. 2085**, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED
ON HOUSE BILL NO. 2085**

Pursuant to **Rule No. 73**, Representative Purcell moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 2085, which motion prevailed.

The Speaker appointed Representatives Purcell, Ridgeway, DeBerry, Haun and Holt as the House members of the Conference Committee on House Bill No. 2085.

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MOTION TO RECESS

On motion of Rep. Purcell, the House recessed until 1:30 p.m.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

On motion of Rep. Purcell, the roll call was dispensed with.

BILLS WITHDRAWN

On motion of Rep. Kernell, House Bill No. 2227 was recalled from the Health and Human Resources Committee.

On motion of Rep. Kernell, House Bill No. 2227 was withdrawn from the House.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 740: Rep(s). Ridgeway as prime sponsor(s).

SENATE BILL TRANSMITTED

On motion, the Senate Bill listed below, transmitted to the House, was held on the Clerk's desk as noted:

Senate Bill No. 2322 -- General Assembly, Studies -- Creates select committee on health care of ten members, at least two from each finance and general welfare committee; provides duties relative to comprehensive plans and provisions so each Tennessean can obtain equal quality and affordable health care. (HB 2128)

Held on the Clerk's desk pending third consideration of companion House Bill.

MESSAGE FROM THE SENATE

May 1, 1992

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 712; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

May 1, 1992

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 2501.

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The Senate nonconcurred in House Amendment(s) No(s). 1, 2 and 3.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 1, 1992

MR. SPEAKER: I am directed to return to the House, House Bill No. 2515.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 2, withdrew Amendment No. 2, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 1, 1992

MR. SPEAKER: I am directed to return to the House, House Bill No. 2482.

The Senate refused to recede from its action in adopting Amendments Nos. 1 and 2.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 1, 1992

MR. SPEAKER: I am directed to return Senate Bill No. 1892, as requested.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 1, 1992

MR. SPEAKER: I am directed to return to the House, House Bill No. 2085.

The Speaker appointed a Conference Committee composed of Senators Rochelle, Darnell, Crutchfield, Patten and Atchley to confer with a like committee from the House to resolve the difference of the two Houses on House Bill No. 2085.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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**MESSAGE FROM THE SENATE
May 1, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 744, 884, 1661, 1776, 1811, 1870, 2000, 2032, 2150, 2393, 2447, 2838, 2851 and 2852; also, Senate Joint Resolution(s) No(s). 442, 443, 486, 488 and 491; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
May 1, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 123, 1732, 1753, 1850, 1996, 2114, 2145, 2249, 2278, 2376, 2378, 2411, 2433, 2484, 2537, 2558, 2599, 2615, 2650, 2667, 2706, 2719, 2785, 2789, 2814, 2816, 2855, 2856, 2858, 2859 and 2861; also, House Joint Resolution(s) No(s). 495, 519, 588, 589, 601, 602, 604, 605, 606, 607, 608, 609, 629, 630, 665, 676, 678, 679, 680, 682, 683, 684, 685, 686, 687, 688, 689, 691, 692, 693, 694, 695, 696, 699, 701, 702, 703, 704, 705, 706, 707, 708, 709 and 711; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK
May 1, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 123, 1732, 1753, 1850, 1996, 2114, 2145, 2249, 2278, 2376, 2378, 2411, 2433, 2484, 2537, 2558, 2599, 2615, 2650, 2667, 2706, 2719, 2785, 2789, 2814, 2816, 2855, 2856, 2858, 2859 and 2861; also, House Joint Resolution(s) No(s). 495, 519, 588, 589, 601, 602, 604, 605, 606, 607, 608, 609, 629, 630, 665, 676, 678, 679, 680, 682, 683, 684, 685, 686, 687, 688, 689, 691, 692, 693, 694, 695, 696, 699, 701, 702, 703, 704, 705, 706, 707, 708, 709 and 711; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**SIGNED
May 1, 1992**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 744, 884, 1661, 1776, 1811, 1870, 2000, 2032, 2150, 2393, 2447, 2838, 2851 and 2852; also, Senate Joint Resolution(s) No(s). 442, 443, 486, 488 and 491.

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ENGROSSED BILLS

May 1, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2881; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENGROSSED BILLS

May 1, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2880; also, House Joint Resolution(s) No(s). 740; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENROLLED BILLS

May 1, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution(s) No(s). 447, 471, 472, 473, 503, 512, 567, 610, 615, 631, 633, 650, 651, 657, 658, 673, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 733, 734, 735, 736, 737 and 738; also; House Resolution(s) No(s). 190, 226, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256 and 257.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

May 1, 1992

The Speaker announced that he had signed the following: House Joint Resolution(s) No(s). 447, 471, 472, 473, 503, 512, 567, 610, 615, 631, 633, 650, 651, 657, 658, 673, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 733, 734, 735, 736, 737 and 738; also, House Resolution(s) No(s). 190, 226, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256 and 257.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

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MESSAGE FROM THE SENATE
May 1, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2874, 2880 and 2881; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 1, 1992

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 740; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 1, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2195 and 2725; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 1, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 302, 976, 1708, 1730, 1738 and 2726; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 1, 1992

MR. SPEAKER: I am directed to request the return of House Bill No. 2482, for further consideration.

CLYDE W. McCULLOUGH, Jr.,
Chief Clerk.

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BILL RETURNED

There being no objection, Rep. DeBerry directed the Clerk to return House Bill No. 2482 to the Senate, as requested.

MESSAGE FROM THE SENATE

May 1, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1844; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 1844 -- Davidson County -- Authorizes county democratic executive committee election for August 1992 election and for May primary in 1994 and thereafter. Amends Chapter 549, Private Acts of 1923, as amended. by *Hicks, Person, Kyle, Cohen, Davis E, Ford, Dunavant.

MOTION TO RECESS

On motion of Rep. Severance, the House recessed until 10:00 a.m., Tuesday, May 5, 1992, which motion prevailed.